

United States District Court  
Central District of California  
Western Division

KRISTEN BIEL,

Plaintiff,

v.

ST. JAMES SCHOOL,

Defendant.

CV 15-04248 TJH (ASx)

Amended  
Order and Judgment

The Court has considered the St. James School's ["St. James"] motion for summary judgment, together with the moving and opposing papers.

This motion concerns whether Plaintiff Kristen Biel was a "minister" within the meaning of the "ministerial exception" to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, ["Title VII"] and is, therefore, barred from bringing the instant action under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq* ["ADA"].

1 St. James hired Biel in 2013 as a first grade substitute teacher. In June, 2013,  
2 Sister Mary Margaret, St. James's principal, hired Biel as a full-time fifth grade teacher  
3 — with the title of "teacher" — for the 2013–14 school year. Upon accepting the  
4 position, Biel signed an employment contract stating that St. James's mission is "to  
5 develop and promote a Catholic school faith community within the philosophy of  
6 Catholic education as implemented at St. James, and the doctrines, laws, and norms of  
7 the Catholic Church." Further, Biel agreed to perform "[a]ll duties and responsibilities  
8 . . . within St. James's overriding commitment to developing its faith." Under her  
9 employment contract, Biel was required to "model, teach, and promote behavior in  
10 conformity to the teaching of the Roman Catholic Church."

11 In addition to teaching secular subjects, Biel taught a thirty-minute religion class  
12 to her students four days per week, and was required to dedicate a minimum of 200  
13 minutes every week to the subject of religion. The religion course was grounded upon  
14 the norms and doctrines of the Catholic Faith, including the sacraments of the Catholic  
15 Church, social teachings according to the Catholic Church, and the overall Catholic way  
16 of life. For instance, Biel taught her students the significance of the Lent season, the  
17 Last Supper, Easter, the Eucharist, and Reconciliation. As a teaching guide for the  
18 religion course, Biel used a Catholic textbook, entitled "Coming to God's Life," from  
19 which Biel gave her students weekly tests. Further, Biel was required to pray with her  
20 students, and did so twice a day. Biel, also, incorporated the Catholic faith into the  
21 secular curriculum she taught. During her tenure at St. James, Biel attended a four-to-  
22 five hour conference regarding ways to better incorporate God into lessons at the Los  
23 Angeles Religious Education Congress.

24 In April, 2014, Biel was diagnosed with cancer and informed Sister Mary  
25 Margaret. In June, 2014, Sister Mary Margaret informed Biel that St. James would not  
26 be renewing her contract for the 2014–2015 school year. In June, 2015, Biel filed this  
27 suit alleging six claims under the ADA. St. James, now, moves for summary judgment  
28 as to all six claims.

## Discussion

In a motion for summary judgment, when the moving party has the burden of proof at trial, as St. James has here on its affirmative defense, the moving party has the initial burden of establishing a *prima facie* case. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If St. James satisfies its burden, the burden will shift to Biel to introduce evidence sufficient to raise a triable issue. *See Celotex Corp.*, 477 U.S. at 323. Each fact relied upon in this Order is undisputed.

St. James argued that Biel's claims — all brought under the ADA, and, consequently, Title VII — are barred under the ministerial exception. The ministerial exception bars Title VII claims where the employer is a religious institution and the employee is a "minister." *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 132 S. Ct. 694, 704 (2012) [*"Hosanna-Tabor"*]. The ministerial exception is an exception to Title VII "grounded in the First Amendment, that precludes application of such legislation to claims concerning the employment relationship between a religious institution and its ministers." *Hosanna-Tabor*, 132 S. Ct. at 705 (footnote omitted). The ministerial exception "is intended to protect the relationship between a religious organization and its clergy from constitutionally impermissible interference by the government." *Werft v. Desert Sw. Annual Conference of United Methodist Church*, 377 F.3d 1099, 1101 (9th Cir. 2004) (footnote and internal quotations omitted).

Here, there is no dispute that St. James, as a Catholic school, is a religious institution. Accordingly, the application of the ministerial exception turns on whether Biel was a "minister." *See Hosanna-Tabor*, 132 S. Ct. at 705.

Whether Biel is a minister depends on all the circumstances of Biel's employment, including her education before and during her tenure, her title, and her job duties. *See Hosanna-Tabor*, 132 S. Ct. at 707. "The paradigmatic application of the ministerial exception is to the employment of an ordained minister . . . [b]ut the

1 ministerial exception encompasses more than a church’s ordained ministers.” *Alcazar*  
2 *v. Corporation of the Catholic Archbishop of Seattle*, 627 F.3d 1288, 1291 (2010). The  
3 ministerial exception may apply “notwithstanding the assignment of some secular  
4 responsibilities.” *Alcazar*, 627 F.3d at 1293.

5 In *Hosanna-Tabor*, the teacher at a religious school taught a forty-five minute  
6 religion class four days a week in addition to teaching math, language arts, social  
7 studies, science, gym, art, and music. *Hosanna-Tabor*, 132 S. Ct. at 700, 709. The  
8 teacher, also, led the students in prayer and devotional exercises each day, and attended  
9 a weekly school-wide chapel service, which she led about twice a year.  
10 *Hosanna-Tabor*, 132 S. Ct. at 700. Additionally, the teacher held the title of “called  
11 teacher,” a reference to teachers at the school who had satisfied certain academic and  
12 other requirements, and were deemed by the school to have “been called to their  
13 vocation by God through a congregation.” *Hosanna-Tabor*, 132 S. Ct. at 700. After  
14 taking disability leave, and subsequently losing her position at the school, the teacher  
15 sued the school under the ADA. *Hosanna-Tabor*, 132 S. Ct. at 700–01. Upon appeal  
16 to the Supreme Court, the Court held that the circumstances of the teacher’s job —  
17 particularly the teacher’s title, the teacher’s efforts to hold herself out as a minister, and  
18 the teacher’s job duties — established that the teacher was a “minister” within the  
19 meaning of the ministerial exception. *Hosanna-Tabor*, 132 S. Ct. at 707–10. In so  
20 holding, the Court expressly rejected the notion that the teacher was not a minister  
21 because “her religious duties consumed only 45 minutes of each workday, and that the  
22 rest of her day was devoted to teaching secular subjects.” *Hosanna-Tabor*, 132 S. Ct.  
23 at 709.

24 Here, St. James has established a *prima facie* case that Biel was a minister  
25 because her employment contract and job duties demonstrate that her “job duties  
26 reflected a role in conveying the Catholic Church’s message and carrying out its  
27 mission.” See *Hosanna-Tabor*, 132 S. Ct. at 708. Just as the plaintiff in  
28 *Hosanna-Tabor* taught religion and prayed with her students, Biel conveyed the Catholic

1 Church's message by teaching religion to her students four times each week for thirty  
2 minutes, by administering and evaluating weekly tests from a Catholic textbook,  
3 "Coming to God's Life," and by praying with the students twice each day. *See*  
4 *Hosanna-Tabor*, 132 S. Ct. at 700, 708. Further, Biel clearly sought to carry out St.  
5 James's Catholic mission by, for example, including Catholic teachings into all of her  
6 lessons and attending a conference to learn techniques for incorporating religious  
7 teachings into her lessons.

8 Although this case does not contain all of the hallmarks of ministry identified in  
9 *Hosanna-Tabor*, it is clear that *Hosanna-Tabor* was not intended to represent the outer  
10 limits of the ministerial exception. *See Hosanna-Tabor*, 132 S. Ct. at 707. Instead,  
11 the question is whether the claims at issue may interfere with St. James's ability to  
12 choose who will convey its message. *See Bollard v. California Province of the Soc'y*  
13 *of Jesus*, 196 F.3d 940, 946 (9th Cir. 1999). For the reasons discussed above, St.  
14 James has established a *prima facie* case that Biel acted as a messenger of St. James'  
15 faith. *See Hosanna-Tabor*, 132 S. Ct. at 708. Therefore, St. James established a *prima*  
16 *facie* case Biel was a minister withing the meaning of the ministerial exception.

17 Further, because all facts relied upon in this Order are undisputed by the parties,  
18 Biel did not raise a triable issue of fact that would bar the granting of summary  
19 judgment. *See Celotex Corp.*, 477 U.S. at 323.

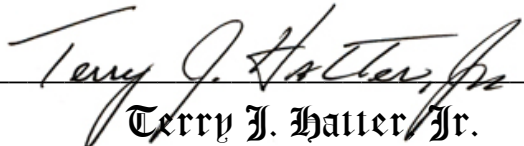
20  
21 Therefore,

22  
23 **It is Ordered** that the motion for summary judgment be, and hereby is,  
24 **Granted.**

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26 **It is Further Ordered, Adjudged, and Decreed** that judgment be, and  
27 hereby is, **Entered** in favor of Defendant St. James School and against Plaintiff Kristen  
28 Biel.

1       **It is Further Ordered, Adjudged, and Decreed** that Plaintiff Kristen Biel  
2 shall take nothing and that all parties shall bear their own costs.

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4 Date: January 24, 2017

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6 **Terry J. Hatter Jr.**  
7 **Senior United States District Judge**  
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